

Amendments to the Drawings:

The attached sheet of drawings includes changes to Fig. 1. This sheet, which includes Figs. 1 and 2, replaces the original sheet including Figs. 1 and 2. In Figure 1, reference character “2” has been changed to --A--, reference character “3” has been changed to --W--, and reference character “5” has been changed to --R--.

Attachment: Replacement Sheet(s)

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of December 13, 2005. Reconsideration of this application in light of the amendment, and the allowance of this application are respectfully requested.

Claims 1-26 were pending in the present application prior to the above amendment. In response to the Office Action, claims 1, 4, 6-8, 12, 19, 21, and 23-25 have been amended and new claim 27 has been added. Therefore, claims 1-27 are still pending in the present application, and are believed to be in proper condition for allowance.

Initially, the Applicants acknowledge with appreciation, the Examiner's allowance of claims 16-18. In addition, the Applicants also acknowledge with appreciation, the Examiner's indication of allowable subject matter in claims 12-15. Correspondingly, claim 12 has been amended to be in independent form to recite all of the limitations of base claim 1 as suggested by the Examiner. Thus, claims 12-15 are now in proper condition for allowance, claims 13-15 being ultimately dependent on now independent claim 12.

Referring now to the Office Action, the Examiner objected to the drawing of the application as failing to comply with 37 C.F.R. 1.84(p)(4) because reference characters "2", "3", and "5", have been used to designate different components in the drawings. In response thereto, Figure 1 has been amended to utilize different reference characters to comply with the noted requirements. In addition, paragraphs [0029], [0030], and [0032] of the application have been amended to correspond to the changes made in Figure 1. In addition, the Examiner also objected to reference character "3" in paragraph [0038]. In response, this paragraph has been amended to recite reference character "3a" as shown in Figure 6. Moreover, the Examiner's objection to Figure 1 relative to reference character "5" is believed to be rendered in moot in view of the submitted changes to Figure 1. Correspondingly, the withdrawal of the above drawing objections is respectfully respected.

Referring again to the Office Action, claims 1-6, 8-9, 11, and 19-23 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,441,324 to Stimpson that discloses a weighing system having a circular disk positioned between the rail car body and the truck of the rail car, the disk having a load cell thereon. In response thereto, independent claim 1 has been amended above to specifically recite at least one elongate beam member having a first end and a second end, and to recite that the at least one elongate beam member

deflects in response to the load applied. In addition, claim 1 has been further amended to specifically recite that the sensor is secured to, and measures, the deflection of the elongate beam member. Independent claim 19 has also been amended to specifically recite securing at least one elongate beam member to a bearing adaptor, deflecting the midsection of the elongate beam member in response to applied load, and measuring the deflection of the midsection of the elongate beam member. Furthermore, dependent claims 4, 6-8, 21, and 23-25 have also been amended to specifically recited the elongate beam member. Clearly, the cited Stimpson reference fails to disclose, teach, or otherwise suggest, an elongate beam member as recited in these claims. Correspondingly, in view of the above, the withdrawal of this rejection, and the allowance of claims 1-6, 8-9, 11, and 19-23 are respectfully requested.

Referring again to the Office Action, claims 7 and 24 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stimpson noted above. However, this rejection is believed to be rendered moot in view of the above amendments to the independent claims 1 and 19. In addition, it is respectfully noted that both claims 7 and 24 specifically recite that the beam member includes a protrusion at an underside of the midsection, the protrusion extending toward the bearing adapter to limit deflection of the midsection of the beam member. As admitted by the Examiner in the Office Action, the cited Stimpson reference does not disclose such a function. The Examiner asserts that the protrusion on the underside of the disc corresponds to the recited protrusion, that the protrusion on the ends of the disk limits deflection, and thus, asserts that it would be obvious to one of ordinary skill in the art to modify the protrusion of Stimpson to limit the deflection. However, the basis for this assertion is not understood in that Stimpson does not appear to disclose any protrusion or feature that contacts another feature to thereby function to limit deflection. Moreover, the Examiner's assertion that it would be obvious to modify the device of Stimpson is made without reference to any teachings or motivation in Stimpson suggesting such modification. Correspondingly, the Applicants respectfully contend that the Examiner has failed to establish a *prima facie* case of obviousness, and request the withdrawal thereof.

However, to clarify the function of the protrusion in limiting deflection, claims 7 and 24 have been further amended to specifically recite that the protrusion limits deflection upon contact with the bearing adapter as discussed in paragraph [0039] of the application. Clearly, the invention as claimed is not disclosed, taught, or otherwise suggested by Stimpson, or the

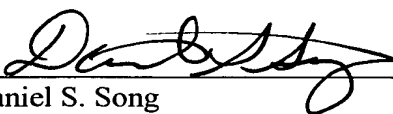
other references of record. Therefore, the withdrawal of this rejection, and the allowance of claims 7 and 24 are respectfully requested.

Referring again to the Office Action, claims 10, 25, and 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stimpson in view of U.S. Patent No. 4,836,034 to Izumi. However, this rejection is believed to be rendered moot in view of the above amendments to independent claims 1 and 19 upon which these rejected claims ultimately depend. Correspondingly, the withdrawal and the allowance of these claims are respectfully requested as well.

Finally, newly added independent claim 27 specifically recites that the bearing adapter is mounted between a truck of the railcar and an axle bearing housing of the railcar. In addition, this claim further recites that the midsection of the beam member supports the load applied by the truck of the railcar, and is deflected by the load applied by the truck. The device as claimed in newly added independent claim 27 is clearly not disclosed, taught, or otherwise suggested in the prior art references of record. Correspondingly, the allowance of this newly added claim is respectfully requested.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,


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